
SENATE BILL 6110

State of Washington

68th Legislature

2024 Regular Session

By Senators Keiser, Lovick, Nobles, Van De Wege, Wagoner, and C. Wilson

Read first time 01/10/24. Referred to Committee on Human Services.

1 AN ACT Relating to modernizing the child fatality statute; and
2 amending RCW 70.05.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.05.170 and 2010 c 128 s 1 are each amended to
5 read as follows:

6 (1)(a) The legislature finds that the mortality rate in
7 Washington state among infants and children less than (~~eighteen~~) 19
8 years of age is unacceptably high, and that such mortality may be
9 preventable. The legislature further finds that, through the
10 performance of child (~~mortality~~) fatality reviews, preventable
11 causes of child mortality can be identified and addressed, thereby
12 reducing the infant and child mortality in Washington state.

13 (b) It is the intent of the legislature to encourage the
14 performance of child (~~death~~) fatality reviews by local health
15 departments by providing necessary legal protections to the families
16 of children whose deaths are studied, local health department
17 officials and employees, and health care professionals participating
18 in child (~~mortality~~) fatality review committee activities.

19 (2) As used in this section, "child (~~mortality~~) fatality
20 review" means a process authorized by a local health department as
21 such department is defined in RCW 70.05.010 for examining factors

1 that contribute to deaths of children (~~((less than eighteen))~~) up to 19
2 years of age. The process may include a systematic review of medical,
3 clinical, and hospital records; home interviews of parents and
4 caretakers of children who have died; analysis of individual case
5 information; and review of this information by a team of
6 professionals in order to identify modifiable medical, socioeconomic,
7 public health, behavioral, administrative, educational, and
8 environmental factors associated with each death.

9 (3) Local health departments are authorized to conduct child
10 (~~((mortality))~~) fatality reviews. In conducting such reviews, the
11 following provisions shall apply:

12 (a) All health care information collected as part of a child
13 (~~((mortality))~~) fatality review is confidential, subject to the
14 restrictions on disclosure provided for in chapter 70.02 RCW. When
15 documents are collected as part of a child (~~((mortality))~~) fatality
16 review, the records may be used solely by local health departments
17 for the purposes of the review.

18 (b) Local health departments and the department may retain
19 identifiable information and geographic information on each case for
20 the purposes of determining trends, performing analysis over time,
21 and for quality improvement efforts. No identifying information
22 related to the deceased child, the child's guardians, or anyone
23 interviewed as part of the child (~~((mortality))~~) fatality review may be
24 disclosed. Any such information shall be redacted from any records
25 produced as part of the review.

26 (c) Any witness statements or documents collected from witnesses,
27 or summaries or analyses of those statements or records prepared
28 exclusively for purposes of a child (~~((mortality))~~) fatality review,
29 are not subject to public disclosure, discovery, subpoena, or
30 introduction into evidence in any administrative, civil, or criminal
31 proceeding related to the death of a child reviewed. This provision
32 does not restrict or limit the discovery or subpoena from a health
33 care provider of records or documents maintained by such health care
34 provider in the ordinary course of business, whether or not such
35 records or documents may have been supplied to a local health
36 department pursuant to this section. This provision shall not
37 restrict or limit the discovery or subpoena of documents from such
38 witnesses simply because a copy of a document was collected as part
39 of a child (~~((mortality))~~) fatality review.

1 (d) No local health department official or employee, and no
2 members of technical committees established to perform case reviews
3 of selected child deaths may be examined in any administrative,
4 civil, or criminal proceeding as to the existence or contents of
5 documents assembled, prepared, or maintained for purposes of a child
6 (~~mortality~~) fatality review.

7 (e) This section shall not be construed to prohibit or restrict
8 any person from reporting suspected child abuse or neglect under
9 chapter 26.44 RCW nor to limit access to or use of any records,
10 documents, information, or testimony in any civil or criminal action
11 arising out of any report made pursuant to chapter 26.44 RCW.

12 (~~(4)~~) (f) When reviews identify suspected child abuse or
13 neglect, the review team shall designate a team member who will on
14 behalf of the review team make a report to law enforcement and other
15 appropriate agencies. This subsection does not create a mandatory
16 duty under RCW 26.44.030 for any review team or individual review
17 team member.

18 (4) To aid in a child fatality review, the local health
19 department may:

20 (a) Request and receive data for specific fatalities including,
21 but not limited to, all medical records related to the child death,
22 autopsy reports, medical examiner reports, coroner reports, and
23 school, criminal justice, law enforcement, and social services
24 records; and

25 (b) Request and receive data described in (a) of this subsection
26 from health care providers, health care facilities, clinics, schools,
27 criminal justice, law enforcement, laboratories, medical examiners,
28 coroners, professions and facilities licensed by the department,
29 local health departments, the health care authority and its licensees
30 and providers, the department of social and health services and its
31 licensees and providers, and the department of children, youth, and
32 families and its licensees and providers.

33 (5) Upon request by the local health department, health care
34 providers, health care facilities, clinics, schools, criminal
35 justice, law enforcement, laboratories, medical examiners, coroners,
36 professions and facilities licensed by the department of health,
37 local health departments, the health care authority and its licensees
38 and providers, the department of social and health services and its
39 licensees and providers, and the department of children, youth, and
40 families and its licensees and providers must provide all medical

1 records related to the child, autopsy reports, medical examiner
2 reports, coroner reports, social services records, and other data
3 requested for specific child fatality reviews to the local health
4 department.

5 (6) The department shall assist local health departments to
6 collect the reports of any child ((mortality)) fatality reviews
7 conducted by local health departments and assist with entering the
8 reports into a database ((to the extent that the data is not
9 protected under subsection (3) of this section. Notwithstanding
10 subsection (3) of this section, the department shall respond to any
11 requests for data from the database to the extent permitted for
12 health care information under chapter 70.02 RCW)). All information
13 submitted to the department pursuant to this subsection is not
14 subject to public disclosure, discovery, subpoena, or introduction
15 into evidence in any administrative, civil, or criminal proceeding
16 related to the death of a child reviewed. In addition, the department
17 shall provide technical assistance to local health departments and
18 child death review coordinators conducting child ((mortality))
19 fatality reviews and encourage communication among child ((death))
20 fatality review teams. ((The department shall conduct these
21 activities using only federal and private funding.

22 ~~(5))~~ (7) This section does not prevent the department or a local
23 health department from publishing statistical compilations and
24 reports related to the child ((mortality)) fatality review. Any
25 portions of such compilations and reports that identify individual
26 cases and sources of information must be redacted. These reports may
27 be used in the development and coordination of statewide child
28 fatality prevention strategies and interventions.

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